

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 04-CR-126-PB

Jerry Shanahan, et al.

O R D E R

I enter the following rulings with respect to defendants' motion for a bill of particulars and additional discovery:

1. I deny defendants' request for a bill of particulars requiring the government to identify unindicted co-conspirators. Defendants are simply incorrect in claiming that pretrial disclosure of unindicted co-conspirators is required to enforce United States v. Petrozziello, 548 F.2d 20 (1st Cir. 1977).

Moreover, given the detailed nature of the indictment and the voluminous discovery that has been produced, I am unconvinced that there is any other reason why the government should be required to disclose unindicted co-conspirators prior to trial.

2. I deny defendants' request for a bill of particulars requiring the government to more particularly describe all false statements attributable to the defendants with greater

particularity. The indictment specifies the transactions that support the charges against the defendants and the government has disclosed its evidence supporting the charges. No more is required.

3. The government shall make a supplemental expert disclosure on or before August 1, 2005. The defendants may challenge the sufficiency of the supplemental disclosure.

Defendants' motion for a bill of particulars and to compel discovery (doc. no. 78) is denied.

SO ORDERED.

Paul Barbadoro
United States District Judge

June 24, 2005

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